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**MEMORANDUM ENDORSEMENT**

Santiful et al v. Wegmans Food Markets, Inc., No. 20-cv-2933 (NSR)

Defendant Wegmans Food Markets, Inc.'s motion to dismiss Plaintiffs' Second Amended Complaint is DENIED without prejudice for failure to follow the Court's Individual Practices in Civil Cases. *See* Sec. 3.A.ii.

Notwithstanding, the Court hereby waives the pre-motion conference requirement and grants Defendant leave to file a motion to dismiss in accordance with the following briefing schedule:

- (1) Defendant's moving papers are to be served (not filed) on March 30, 2022;
- (2) Plaintiffs' opposition papers are to be served (not filed) on April 29, 2022; and
- (3) Defendant's reply papers are to be served on May 16, 2022.

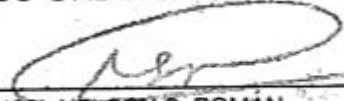
All motion papers are to be filed by the parties on the reply date, May 16, 2022. Defendant is directed to refile its moving papers on May 16, 2022. The parties are directed to provide Chambers with two physical courtesy copies of their motion papers on the same date they are served on opposing counsel. The parties are further directed to provide the Court with an electronic courtesy copy of the motion papers as they are served per this Court's local emergency civil rules.

The Clerk of Court is respectfully directed to terminate the motion at ECF No. 22.

DATED: March 30, 2022

White Plains, NY

SO ORDERED:

  
HON. NELSON S. ROMAN  
UNITED STATES DISTRICT JUDGE

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

Valerie Santiful, Tameka Rhoden,  
individually and on behalf  
of all others similarly situated,

Plaintiffs,

-against-

Wegmans Food Markets, Inc.,

Defendant.

Case No. 7:20-cv-02933-NSR

**NOTICE OF MOTION AND  
MOTION TO DISMISS  
PLAINTIFFS' SECOND AMENDED  
COMPLAINT PURSUANT TO  
RULE 12(b)(6)**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendant's Motion to Dismiss Plaintiffs' Second Amended Complaint, Defendant Wegmans Food Markets, Inc. moves, before the Honorable Nelson S. Román, United States District Court Judge for the Southern District of New York, at the United States District Courthouse, 300 Quarropas Street, White Plains, NY 10601, for an order dismissing the Second Amended Complaint of Plaintiffs Valerie Santiful and Tameka Rhoden (Dkt. 12) pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, on the grounds that the Complaint fails to state a claim upon which relief can be granted.

Dated: March 30, 2022

Respectfully submitted,

/s/ August T. Horvath

August T. Horvath (AH 8776)

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*Attorneys for Defendant Wegmans Food  
Markets, Inc.*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 30th of March 2022, a true and correct copy of the foregoing document has been served on counsel of record who are deemed to have consented to electronic service via electronic mail.

/s/ August Horvath

August T. Horvath